

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Section 363,
Title 14, California Code of Regulations
Re: Pronghorn Antelope

I. Date of Initial Statement of Reasons: January 14, 2002

II. Dates and Locations of Scheduled Hearings:

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| (a) Notice Hearing: | Date: February 9, 2002
Location: Sacramento, California |
| (b) Discussion Hearing: | Date: March 8, 2002
Location: San Diego, California |
| (c) Discussion Hearing: | Date: April 5, 2002
Location: Long Beach, California |
| (d) Adoption Hearing: | Date: April 25, 2002
Location: Sacramento, California |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Number of Tags:

Existing regulations specify the number of pronghorn antelope hunting tags for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, tag quotas for hunts need to be adjusted periodically. The proposal changes the number of tags for existing zones to a series of ranges and allows for issuing doe tags, if desired. Ranges are necessary because final quotas cannot be determined until survey data are analyzed in March.

The proposal provides a range of tag numbers for pronghorn antelope hunt zones. A final quota for each zone will be determined based on results of winter surveys which are scheduled for January. Tag quotas

will allow for a biologically appropriate harvest of bucks and does in the population and will achieve/maintain buck ratios at or above minimum levels specified in appropriate management plans. Administrative procedures and the Fish and Game Code require the Fish and Game Commission to receive proposed changes to existing regulations prior to the time winter pronghorn antelope surveys are completed.

Final tag quotas for each zone will be identified and reported in the Final Statement, based on findings from the annual winter surveys.

2. Termination of Carrizo Hunt

Existing regulations specify the area, season, bag and possession limit, number of license tags and special conditions for the Carrizo Hunt. The proposal will eliminate this hunt. In 2000 the quota for this hunt was reduced to two buck tags because of a decline in the Carrizo Plains pronghorn antelope population. The population has not improved and termination of this hunt is necessary because of the continued poor population status of pronghorn antelope in the Carrizo Plains.

3. Tag Application and Distribution Procedures, Tagging and Reporting Requirements

Existing regulations specify pronghorn antelope tag application and distribution procedures and indicate tagging and reporting requirements. The proposed change establishes new Subsection 708(c) and removes the tag application and distribution procedures and tagging and reporting requirements from existing regulations by placing them in that new Subsection.

Currently, proposals are under consideration to implement an Automated License Data System (ALDS), and a possible change in tag distribution methods from the current draw-by-choice method to a preference-based point system. If implementation of an ALDS or preference-based point system occurs, it will be necessary to adapt administrative and procedural regulations related to pronghorn antelope tags immediately. The proposed change will allow modifications to the administrative procedures to occur outside of the normal Mammal regulation setting process and time lines.

The current Mammal regulation setting process is structured such that time lines would not be adaptable to these needs. The proposed change deletes Section 363(k), and portions of (l) (1,6,7,10) and moves their

contents to Subsection 708(c). The proposed change also modifies language formerly in Section 363(l)(6) for consistency.

Existing regulations specify a \$6.50 nonrefundable application fee and an \$92.75 resident license tag fee for hunting pronghorn antelope. Section 713 of the Fish and Game Code requires that these fees be adjusted annually according to the cost of living index. This proposal increases the nonrefundable application fee to \$6.75 and the pronghorn antelope license tag fee to \$95.75, as required by Section 713 of the Fish and Game Code.

4. Editorial Changes

Existing regulations contain references to the current calendar year which must be updated for accuracy. The proposal updates the year from 2001 to 2002, and makes other minor editorial changes. Such changes are necessary to improve clarity and consistency of the regulations.

Also, references to trespassing and wanton waste are deleted from this Section to reduce redundancy. Trespassing already is prohibited by Fish and Game Code sections 2016 and 2017, and wanton waste is prohibited by Fish and Game Code Section 4304.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 219, 220, 331, 1050 and 10502, Fish and Game Code.

Reference: Sections 331, 713, 1050, 10500 and 10502, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Draft Environmental Document Regarding Pronghorn Antelope Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Although the proposed changes are relatively simple and few, the Department held four public meetings regarding the proposed changes as follows:

November 7, 2001 in Fresno
November 13, 2001 in San Diego
November 29, 2001 in Monterey

December 13, 2001 in Sacramento

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

No alternatives were identified. Pronghorn antelope license tag quotas must be changed annually in response to a variety of biological conditions.

2. Termination of Carrizo Hunt

Changing the Carrizo Hunt tag quota was considered and rejected as an alternative. Current regulations specify a quota of two buck tags for this hunt. Increasing the quota or adding doe tags would not be consistent with the declining status of pronghorn antelope in the Carrizo Plains. The Carrizo Hunt was established in 1996 with a quota of five buck tags. Reducing the quota to two buck tags in 2000 did not improve the status of this herd, and it is unlikely that reducing the quota to one buck tag would improve herd status or provide a significant level of hunting opportunity.

3. Tag Application and Distribution Procedures, Tagging and Reporting Requirements

No alternatives were identified to establishing Section 708(c) specifying pronghorn antelope tag application and distribution procedures and tagging and reporting requirements. No other alternatives would simplify existing regulations and place the tag application and distribution procedures and conditions for all big game species in one Section.

No alternatives to adjusting application and tag fees were identified because the Fish and Game Code requires adjustment of such fees according to change in the cost of living index.

4. Editorial Changes

No alternatives were identified.

(b) No Change Alternative:

1. Number of Tags

The no change alternative was considered and rejected because it would not attain project objectives of providing for hunting opportunities while maintaining pronghorn antelope populations within desired population objectives. Retaining the current tag quota for each zone may not be responsive to biologically based changes in the status of various herds. Management plans specify minimum desired buck to doe ratios which are attained/maintained in part by modifying tag quotas on an annual basis. The no change alternative would not allow for adjustment of tag quotas in response to changing environmental/biological conditions.

2. Termination of Carrizo Hunt

The no change alternative was considered and rejected because it would not attain project objectives of providing hunting opportunities consistent with the biological status of the Carrizo Plains pronghorn antelope population. Because this population is continuing to decline, it is no longer desirable to continue the Carrizo Hunt.

3. Tag Application and Distribution Procedures, Tagging and Reporting Requirements

The no change alternative regarding establishing Section 708(c) specifying pronghorn antelope tag application and distribution procedures and reporting requirements was considered and rejected. The no change alternative would not allow the flexibility to modify administrative and procedural regulation changes that would be necessary to adapt to implementation of ALDS or a change in big game draw methods and distribution procedures.

The no change alternative for adjusting the price of pronghorn antelope hunting license tags was considered and rejected. Statutory language provides for the pronghorn antelope tag and application fees to increase according to a cost of living index. The no change alternative would be contrary to the intent of this statute.

4. Editorial Changes

The no change alternative was considered and rejected because it would not result in accurate regulations.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

The statement described pursuant to Section 11346.14(b), Government Code, may be modified by information received at public meetings scheduled for March 8, 2002, in San Diego, California, and April 5, 2002, in Long Beach, California.

V. Mitigation Measures Required by Regulatory Action:

Attached are copies of the Draft Environmental Document Regarding Pronghorn Antelope Hunting.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

- (a) The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing pronghorn antelope hunts. Given the minor nature of the change in pronghorn tags that are proposed, this proposal is economically neutral to business.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. The proposed change provides a range of tags for most zones as follows:

Proposed Pronghorn Antelope Tag Allocation, 2002						
NUMBER OF TAGS						
Hunt Area	Archery-Only Season		General Season			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1	1-10	0-3	3-60	0-20	0	0
Zone 2	1-10	0-3	20-80	0-25	0	0
Zone 3	2-20	0-7	25-150	0-50	25-130	0-50
Zone 4	2-20	0-7	25-150	0-50	25-150	0-50
Zone 5	1-15	0-5	3-150	0-50	0	0
Zone 6	1-5	0	3-20	0-7	0	0
Ash Creek Junior Hunt	—		1-10 Either-Sex		0	
Honey Lake Junior Hunt	—		1-10 Either-Sex		0	
Fund-Raising Hunt	2 Buck					

Final tag quotas for hunt zones will be determined based on results of a winter survey which should be completed and analyzed by March of 2002. Final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The final quota for each zone will be reported in the Final Statement.

Existing regulations specify the area, season, bag and possession limit, number of license tags and special conditions for the Carrizo Hunt. The proposal will eliminate

this hunt because the status of this population has continued to decline, despite recent changes that reduced the quota to two buck tags.

Existing regulations specify pronghorn antelope tag application and distribution procedures, and tagging and reporting requirements. The proposed change establishes new Subsection 708(c) and removes tag application and distribution procedures and tagging and reporting requirements from existing regulations by placing them in that new Subsection.

Existing regulations require a \$6.50 nonrefundable application fee and an \$92.75 resident license tag fee for hunting pronghorn antelope. The proposed change increases the application fee to \$6.75 (for a single application; \$13.50 for a two-party application) and the resident license tag fee to \$95.75, to reflect the cost of living increase as specified in Section 713 of the Fish and Game Code.

Minor editorial changes are also proposed to include clarity and consistency of the regulations.

References to trespassing and wanton waste are deleted from this Section to reduce redundancy. Trespassing already is prohibited by Fish and Game Code sections 2016 and 2017, and wanton waste is prohibited by Fish and Game Code Section 4304